

REMARKS

This Amendment is responsive to the Office Action dated November 3, 2004. Claims 1-19 were pending in the application. In the Office Action, claims 1-19 were rejected. In this Amendment, claims 1, 6, 8, 10, 13, 15 and 18 have been amended. Claims 1-19 thus remain for consideration.

Applicant submits that claims 1-19 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§101 Rejections

Claims 15-19 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant has amended claims 15-19 and submits that claims 15-19 are now directed to statutory subject matter. Accordingly, Applicant requests that the rejection under §101 be withdrawn.

Double Patenting

Claims 1-19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of co-pending Application No. 09/862,656.

Each of the independent claims has been amended herein. Accordingly, Applicant requests that the obviousness-type double patenting rejection be withdrawn.

§103 Rejections

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al. (U.S. Patent No. 6,360,364) in view of Kanevsky et al. (U.S. Patent No. 6,393,470).

Applicant respectfully submits that the independent claims (claims 1, 6, 8, 10, 13, 15 and 18) are patentable over the applied combination of Chen and Kanevsky.

Applicant's invention as recited in the independent claims is directed toward an information-processing apparatus, a server, an information communication system, an information-processing method, an information providing medium, an information-processing program and an information-providing program. Each of the claims recites "an application program or a data file...having a smallest activation count." Supporting disclosure can be found in the specification at, for example, page 37, lines 4-15.

Since, the applied combination of Chen and Kanevsky does not disclose "an application program or a data file...having a smallest activation count," Applicant believes that claims 1, 6, 8, 10, 13, 15 and 18 are patentable over the applied combination of Chen and Kanevsky on at least this basis.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 2-5, 7, 9, 11, 12, 14, 16, 17 and 19 are believed to be patentable over the applied combination of Chen and Kanevsky for at least the same reasons discussed in connection with claim 1.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for

the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

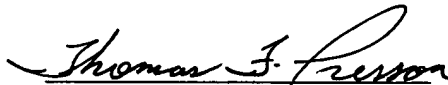
If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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